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Ziarra, or visiting day. Early in the morning of that day the attendants unfurl the saint's flag, if he has one, and process with it, followed by the people, to the door of the shrine. Here the people dance and hold a fair, while many go in and put their requests to the saint, firing a salute outside the door and paying a present in money or in kind to the head Sheikh. Once inside, they kneel by the tomb and whisper their requests to it, saluting the tomb with a kiss. They then leave and are entertained with a cup of coffee-husk tea at the door or in the outer court.

Such shrines have another value to the community—they are the only form of poor-relief in the land. Poor travellers will always stop at saints' shrines for the night, and they are never refused entertainment. When travelling in the country oneself it is often a good thing, for this reason, to give a present to the local saint rather than to a petty Chief, and I frequently did so. The political effect is good, and one avoids causing the jealousy among petty Chiefs which is so frequently occasioned by the passage of a political officer.

In the Mushreq there is a class of men who are hereditary and appointed judges. They are probably the remnants of the legal system of one or other of the ancient kingdoms, and, by their situation, I should say of Ma'an. The Chief of these is the hereditary judge or Manqad (plural, Manaqid). The derivation of the word is from the root NQD, meaning "to pick out or investigate." He is elected from a certain family. The family itself has great influence in local public affairs, but only its elected head styles himself a Manqad, and he has the title of Manqad Al Manaqid, or "Judge of Judges." Once elected he himself, without consulting anyone, appoints four or five other Manqads. He does not appoint them from his own family, but from outside, and his choice is not limited to any class or tribe. One, recently appointed, was from the Dha'if class, who are not aristocrats and whom I shall presently describe. These men are known as Manqads and perform the duties of a final court of appeal. Their judgments are given according to the widest possible code, which they describe as "Asharia, Al 'Ada and Al Haq," or "The Holy Law, tribal custom and the Right." Once having put his case to a Manqad, no tribesman would either withdraw it or refuse to abide by the Manqad's decision. To do so would be to forfeit his tribal honour by committing a great shame. Consequently their judgments in disputes are only sought when all other courts have failed.

When a Chief Manqad dies and a new one is elected by the family, the appointments of all other Manqads is suspended until they are confirmed by the new Chief Manqad.

Manqads dress as poor men. They do not carry arms, and behave with great humility. They are treated by the tribesmen and the Chiefs with great respect. There is little doubt as to which part of their code they prefer: it is Al 'Ada, or tribal custom, and they have a fund of ancient folklore which should not be neglected by the anthropologists. They will do everything they can to maintain custom among the tribes, even when to do so is not to their own personal advantage. Recently one of them discovered that a guest of his, whom he had just entertained for a few days in his house, had previously committed a flagrant breach of

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tribal customs. He at once took out of his house everything this guest had touched—carpets, matting, blankets, cooking-pots and the like—and burnt or destroyed it all. His action in so doing was so deeply felt by the guest's own family that they shot him within the week. Had any Chief chosen a similar way of showing his disapproval it is doubtful if the guest's family would have looked upon the matter with such concern and would probably have accused the Chief of insulting them.

This completes the upper classes in the community, the Chiefs and tribesmen and the holy men of various types. The picture, then, is of a community ruled over by three types of Chief, split into smaller tribes each ruled by its headman, and again split into villages under a village headman. Among them move the Seyyids, descendants of the Prophet Muhammad, and the descendants of saints, the servants of Prophets' tombs and of the abodes of Jinns, each electing their own headman within their own families and all, in a varying degree, landowners or tithe-owners.

We now come to the landless classes. These have been in the past incorrectly grouped under one heading as Raya, or peasants. We will therefore take the true Raya class first. It is small and is composed of those men who farm land not as tenants but as paid farm-hands. The Scottish "grieve" is an example. They have no land or houses of their own, the produce of the land belongs entirely to the landowners, who give the Raya pay for their labour in cash and kind. The landowner is often a distant saint or Prophet. Thus, for example, a saint may, by ancient custom, receive a tenth of the crop on a tribesman's land, but from his own land he receives all, and the Chief of the Holy Sheikhs will remit a certain amount in return for the peasant's labour. This distinction has frequently led to misunderstandings when political officers have investigated accusations of robbery against Chiefs. It frequently occurs that one farmer is paying the tenth allowed by the holy law to a Chief, while the other next door is paying, say, 70 per cent. On the surface it seems very unequal treatment, but it will usually be found that the first farmer is farming his own land and paying taxes, while the other is of the Raya class, farming the Chief's own land and receiving pay.

Where districts have retrogressed through loss of control on the part of the Chief, the greatest care is needed when one is setting up control again to see that the tribesmen are confirmed in their lands and that the Raya do not suddenly pretend that they are tribesmen, in an endeavour to secure land which is not theirs, and that Raya do not change service against their will during the settlement of land disputes. Although a small class they are an important one, and few officials have given sufficient study to their social position.

Their origin is a puzzle. They are of the same race as the tribesmen and can bear arms. They are probably descended from remnants of tribal sections who have lost their land in war or who have been compelled to sell it.

Very similar to these Raya are the agriculturists of the Dha'if class. The Dha'if is a large class and differs from the Raya in that they are not entirely landless peasants, but are also landless shopkeepers and artisans. Those who work as peasants are distinguished from the Raya in that they

mitted to it by a Magistrate and shall, when so taking cognisance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates. 648 671* 692

(b) Save as hereinafter provided, no appeal shall lie from any order of any Sessions Judge.

(c) Trials before the Court of Session may, in the discretion of the Sessions Judge, be without jury or the aid of assessors.

(d) In cases under Regulation IV of 1901, no sentence of death passed by an Assistant Resident shall be carried out unless and until it is confirmed by the Political Resident. 648 671* 681 692

(e) In cases under other acts, no sentence of death passed by any Court shall be carried out unless and until it is confirmed by the Governor of Bombay.

(f) All sentences of imprisonment passed by an Assistant Resident for a term exceeding one year shall be submitted for confirmation to the Political Resident.

In any case in which an Assistant Resident passes a sentence of imprisonment for a term exceeding six months, an appeal shall be to the Political Resident.

No. 368-E.B., dated the 1st February, 1907.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following Orders:— Constitution of Criminal Courts. 648 671* 692

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PART II.

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For the purposes of the exercise of criminal jurisdiction as regards the Aden Protectorate :—

1. The Political Resident and, with the sanction of the Political Resident in writing, the Assistant Resident for the time being of Aden shall exercise the powers of District Magistrates and Sessions Judges as described in the Code of Criminal Procedure, 1898, and of Deputy Commissioners or Sessions Judges under the Frontier Murderous Outrages Regulation, 1901, as applied by this notification.

2. If in any case in which the complainant (if any) and the accused person or all the accused persons are not British subjects, the Court deems it expedient for political reasons to decline to exercise the power so conferred on it, it shall be in the discretion of the Court to do so.

3. The Political Resident and Assistant Residents for the time being at Aden are hereby appointed to be Justices of the Peace within the Aden Protectorate.

4. The High Court of Judicature at Bombay shall be the Court to which European British subjects charged in Aden with any offence (other than an offence punishable with death) which a Justice of the Peace shall not be competent to punish, and there shall be sufficient grounds for committing him for trial, such European British subject shall be committed to the Court of the Resident, and shall be tried by the Resident.